

Remarks

A. Claims in the Case

Claims 1-27, 30-37, 38-48, 50-60, 62-85, 87-101, 104-145 are pending. Claims 1-27, 30-101, 104-145 are rejected. Claims 38, 49, and 86 have been cancelled. Claims 146-148 are new. Claims 1, 40, 53, 65, 69, 87, 71, 113 and 144 have been amended.

B. 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 1-27, 30-60, 62-64, 144 and 145 under 35 U.S.C. § 112, Second Paragraph, as being indefinite on the grounds that the phrase “environmental/health/safety” is vague and indefinite. Applicant has amended the claims for clarification to delete the phrase environmental/health/safety. Applicant respectfully requests removal of these rejections.

C. The Claims Are Not Obvious Over Guinta in View of Barton Under 35 U.S.C. 103(a)

Claims 1-24, 28-47, 49, 52-57, 61-64, 71-73, 78-99, 102-112 were rejected as being unpatentable over by U.S. Patent No. 5,737,494 to Guinta et al. (hereinafter “Guinta”) in view of U.S. Patent Publication 2002/0059093 by Barton et al. (hereinafter “Barton”). Applicant respectfully disagrees with these rejections.

To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974); MPEP 2143.03.

Claim 1 has been amended to describe a combination of features including:

receiving a first input from an input device, the first input reflecting the assessor's perception of the organizational process or system

...

determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input; and

receiving a second input from the user corresponding to the assessor's perception of the expected effectiveness of a process or system after a recommended change is made, the second input being made by the assessor by selecting a value within the second allowed input range

Support for the amendments may be found in Applicant's specification at least on page 17, line 19 to page 18, line 7; and FIGS. 10A-10C. The cited art does not appear to teach or suggest at least the above-quoted feature of claim 1, in combination with the other features of claim 1.

Guinta states:

At least some of the computer driven questions are adapted to prompt an assessor to numerically input on an input device of a computer system the assessor's perception of the capability of the organizational process or system to address an issue. Typically the assessor has at least some knowledge about the organizational process or system. The input device of the computer may be a keyboard, a mouse, or a touch screen. In some instances the input device may include a speech recognition device that converts spoken words into machine-readable inputs.

The method further involves receiving a first numerical input from the input device of the computer system. The first numerical input is stored in the memory of the computer, and the first numerical input reflects the assessor's perception of the capability of the organizational process or system to address an issue.

(Guinta, col. 5, line 58 to col. 6, lines 6)

Guinta appears to disclose receiving a numerical input reflecting an assessor's perception of the capability of an organization process or system to address an issue. Guinta, alone or in combination with the other cited art, does not appear to teach or suggest, after receiving a first input reflecting the assessor's perception of the organizational process or system, determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input; and receiving a second input

from the user corresponding to the assessor's perception of the expected effectiveness of a process or system after a recommended change is made, the second input being made by the assessor by selecting a value within the second allowed input range.

For at least the foregoing reasons, Applicant submits that claim 1 and the claims dependent thereon are patentable over the cited art.

For at least the reasons stated above with respect to claim 1, Applicant submits that amended claims 40, 53, 144, and the claims dependent thereon are patentable over the cited art.

Amended claim 71 recites in part:

wherein selecting the first value on a first user adjustable icon limits the range of values displayed for selection on a second user adjustable icon

Guinta states:

FIG. 5E prompts the assessor to input a second numerical input which reflects the assessor's perception of how well the process is deployed. In other words, the assessor inputs a numerical evaluation of how extensively the assessed process (or system is actually used or deployed" (Guinta, column 18, lines 37-40).

Guinta appears to disclose prompting an assessor to input a second numerical input which reflects an assessor's perception of how well a process is deployed. Guinta does not appear to teach or suggest selecting the first value on a first user adjustable icon limits the range of values displayed for selection on a second user adjustable icon, in combination with the features of claim 71.

D. The Claims Are Not Obvious Over Guinta Pursuant To 35 U.S.C. § 103(a)

Claims 65, 66, 69, 70, 113, 114, and 118-122 were rejected as being unpatentable over Guinta under 35 U.S.C. §103(a). Applicant respectfully disagrees with these rejections.

Claim 65 has been amended to describe a combination of features including:

determine a second allowed input range for a second user adjustable icon based on the first quantitative input, wherein the second allowed input range is limited to values equal to or greater than the value of the first quantitative input;

display the second user adjustable icon, with the second allowed input range; and

receive a second quantitative input from the user corresponding to the user's perception of the expected effectiveness of a process or system after a recommended change is made, the second quantitative input being made by the user by positioning an indicator at a point within the second allowed input range on the second user adjustable icon.

Support for the amendments may be found in Applicant's specification at least on page 17, line 19 to page 18, line 7; and FIGS. 10A-10C. The cited art does not appear to teach or suggest at least the above-quoted feature of claim 65, in combination with the other features of claim 65.

Guinta states:

FIG. 5E prompts the assessor to input a second numerical input which reflects the assessor's perception of how well the process is deployed. In other words, the assessor inputs a numerical evaluation of how extensively the assessed process (or system is actually used or deployed" (Guinta, column 18, lines 37-40).

Guinta appears to disclose prompting an assessor to input a second numerical input which reflects an assessor's perception of how well a process is deployed. Guinta does not appear to teach or suggest determining a second allowed input range for a second user adjustable icon based on the first quantitative input, wherein the second allowed input range is limited to values equal to or greater than the value of the first quantitative input; displaying the second user adjustable icon with the second allowed input range; and receiving a second quantitative input from the user corresponding to the user's perception of the expected effectiveness of a process or system after a recommended change is made, the second quantitative input being made by the user by positioning an indicator at a point within the second allowed input range on the second user adjustable icon, in combination with the other features of claim 65.

Claim 113 has been amended to describe a combination of features including:

receiving a first quantitative input from a user, the first input corresponding to movement of the first user adjustable icon;

determining a second allowed input range for a second user adjustable icon based on the first input, wherein the bottom of the determined second allowed input range for the second user adjustable icon is the value of the first quantitative input;

displaying the second user adjustable icon such that the full width of the second user adjustable icon corresponds to the determined second allowed input range; and

receiving a second quantitative input from the user, the second input corresponding to movement of the second user adjustable icon

Support for the amendments may be found in Applicant's specification at least on page 17, line 19 to page 18, line 7; and FIGS. 10A-10C. The cited art does not appear to teach or suggest at least the above-quoted feature of claim 113, in combination with the other features of claim 113.

E. New claims

New claim 147 recites: "wherein the quantitative inputs are in percent, wherein bottom of the second allowed range is equal to the first quantitative input, and the top of the second allowed range is equal to 100 percent". The cited art does not appear to teach or suggest at least this feature of claim 147, in combination with the other features of the claim.

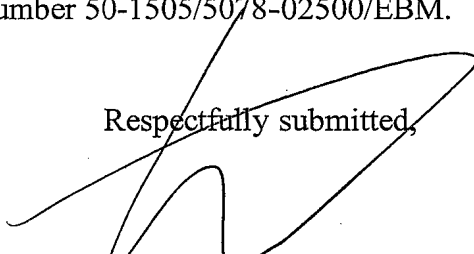
New claim 148 recites: "wherein the second user adjustable icon is displayed such that the full width of the second user adjustable icon corresponds to the determined second allowed input range". The cited art does not appear to teach or suggest at least this feature of claim 148, in combination with the other features of the claim.

F. Additional Remarks

Based on the above, Applicant respectfully requests favorable reconsideration.

Applicant requests a three-month extension of time to file this response. If any additional extension of time is required, Applicant respectfully requests the additional extension of time. If any fees are omitted or if any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5078-02500/EBM.

Respectfully submitted,


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